

maximum such weight contained in the type certificate or airworthiness certificate.”

(b) **CONFORMING AMENDMENT.**—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking “on nonestablished lines” and inserting “operated solely for sightseeing”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) **IN GENERAL.**—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) **NON-TAX CHARGES.**—

“(1) **IN GENERAL.**—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

“(2) **INCLUSION IN TRANSPORTATION COST.**—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) **AGENCY IDENTIFICATION.**—Each Federal agency shall identify and report every project

that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) **ANNUAL REPORT.**—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: “An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.”.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 467 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 467) to authorize representation by the Senate Legal Counsel in the case of *Sollars v. Reid*, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, this resolution concerns a civil action filed against eight Senators for actions taken in their official capacity as legislators in the process of considering health care legislation. This lawsuit is not cognizable before the federal courts. The actions at issue in this case are part of the legislative process and are not subject to review by the courts. This resolution authorizes the Senate Legal Counsel to represent the Senators named as defendants in this case and to move for its dismissal.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 467) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 467

Whereas, in the case of *Sollars v. Reid*, et al., Case No. 1:09-CV-361, pending in the United States District Court for the North-

ern District of Indiana, plaintiff has named as defendants eight Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all defendant Senators in the case of *Sollars v. Reid*, et al.

MEASURE READ THE FIRST TIME—S. 3158

Mr. BROWN of Ohio. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3158) to require Congress to lead by example and freeze its own pay and fully offset the cost of the extension of unemployment benefits and other Federal aid.

Mr. BROWN of Ohio. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 24, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Wednesday, March 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4872.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, tomorrow the Senate will resume consideration of the Health Care and Education Reconciliation Act. Senators should expect a long day, with votes occurring throughout the day.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Wednesday, March 24, 2010, at 9 a.m.